

DETAILED ACTION

Claim Objections

1. Claims 3-5 and 9 are objected to because of the following informalities: claim 3 fails to end with a period, thus claims 4 and 5 are also objectionable; and, claim 9 includes a dependency upon itself, thus rendering the claim ambiguous. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7-9 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 7 recites the limitation "the steps" in line 1. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 11 is rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim is indefinite for failing to positively recite the structure which defines the device and for failing to conform to current U.S. practice.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark (5,125,144) in combination with Hewitt (WO 8907510 A1).

Clark discloses an extraction device having a “rebate” 27 around the first face, however the extractor is designed to provide a means of extracting a sheared fastening element where the point of breakage is below the surface, and therefore the hollow body has a slender cavity that is not capable of receiving a portion of the sheared element. Hewitt discloses an extraction device for facilitating the removal of a sheared fastening element where a portion of the element is exposed above the surface, thus the cavity is capable of receiving an exposed portion of the sheared element.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the extraction device of Clark by enlarging the sheared fastening element engagement portion in a situation where the element has an exposed portion in order to receive the exposed portion, as demonstrated by the extraction device of Hewitt, and thus facilitating the welding of the sheared fastening element to the inner cavity of the extraction device about the circumference of the element, rather than placing a weld on an upper surface of the element, as required by a narrow cavity, resulting in a stronger weld.

Allowable Subject Matter

8. Claims 1, 2, and 6 are allowed.
9. Claims 7-9 would also be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office.

10. Claims 3-5 would also be allowable if rewritten to overcome the objections set forth in this Office action.

11. The following is a statement of reasons for the indication of allowable subject matter: It is the examiner's opinion that the provision of either the inwardly stepped configuration or a plurality of edges at spaced intervals on the boundary wall has neither been anticipated nor fairly suggested, in part or whole, by the prior art of record.

Conclusion

12. The remaining prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Thomas whose telephone number is (571) 272-4497. The examiner's e-mail address is: dave.thomas@uspto.gov. The examiner can normally be reached on Mon-Fri 10am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David B. Thomas/
Primary Examiner, Art Unit 3723

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